

David Abrams, Attorney at Law (DA-8126)  
305 Broadway, 14th Floor  
New York, NY 10007  
Tel. 212-897-5821 Fax 212-897-5811

United States District Court  
Southern District of New York

Edward Cutler and Kevin Cowan,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

- against -

Lincoln Hall,

Defendant.

JUDGE ROBINSON

06 CV 1984

In Case No.

JURY TRIAL DEMANDED

FILED  
U.S. DISTRICT COURT  
2006 MAR 14 PM 1:50  
S.D. OF N.Y.

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, complaining of the Defendants by their attorney, David Abrams,

Attorney at Law, respectfully set forth and allege as follows:

**I. Introduction**

1. This is an action for unpaid overtime under the Fair Labor Standards Act.

Plaintiffs complain individually and on behalf of other current and former employees of the Defendant pursuant to 29 U.S.C. 216(b).

**II. Parties**

2. Plaintiffs Cutler and Cowan are natural persons residing in the State of New York, County of New York.. Cutler and Cowan bring this action on behalf of themselves and all others similarly situated, pursuant to 29 U.S.C. Section 216(b).

3. Upon information and belief, Defendant Lincoln Hall is a corporation with principal places of business at Route 202 Box 600, Lincolndale, New York, 10540.

### **III. Venue and Jurisdiction**

4. Venue in the Southern District of New York is appropriate pursuant to 28 U.S.C. Section 1391(b)(1) in that Defendant Lincoln Hall resides in New York and maintains a continuous and systematic presence in the Southern District.

5. Subject matter jurisdiction over this action exists pursuant to 28 U.S.C. Sections 1331 and 1367 in claims are made that arise under the laws of the United States, specifically the Fair Labor Standards Act.

6. Personal jurisdiction exists in that the defendant resides in the State of New York.

### **IV. Background**

7. At all times relevant to this complaint, upon information and belief, Defendant Lincoln Hall (the "Employer") operated a school and residence for emotionally disturbed boys.

8. Plaintiffs Cowan and Cutler were employed by the Employer.

9. Plaintiffs were not paid a proper overtime premium for work for the Employer in excess of 40 hours in one week.

### **V. Cause of Action and Demand for Relief**

#### **Count One: Violation of the Fair Labor Standards Act**

10. The allegations contained in paragraphs 1 through 9 are incorporated as if restated herein.

11. Plaintiffs were employees of the Employer within the meaning of the Fair Labor Standards Act.

12. Upon information and belief, the Defendant was an employer within the meaning of the Fair Labor Standards Act and subject to the same Act.

13. The Employer violated the Fair Labor Standards Act in that it did not properly compensate plaintiffs for the overtime they worked.

WHEREFORE Plaintiffs demands judgment against the Employer in the amount of their unpaid overtime, together with liquidated and other multiple damages, costs, fees, interest; certifying this matter as a collective action with adequate notice to be supervised by the Court and awarding appropriate relief; and such other and further relief that the Court deems just.

Respectfully submitted,

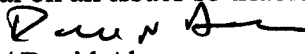
  
/s/ David Abrams

David Abrams (DA-8126)  
Attorney for Plaintiffs  
Cowan and Cutler  
305 Broadway, 14th Floor  
New York, NY 10007  
Tel. 212-897-5821  
Fax 212-897-5811

Dated: March 13, 2006  
New York, New York

**VI. Demand for Jury Trial**

The Plaintiff demands a jury trial on all issues so triable.

  
/s/ David Abrams

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David Abrams (DA-8126),  
Attorney for Plaintiffs

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Dated: New York, NY  
March 13, 2006